

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BERNARD FAINER,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV1536 AGF
)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Defendants.)

ORDER

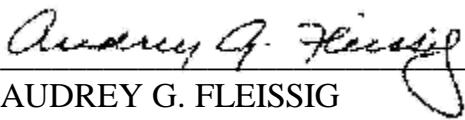
This matter is before the Court¹ on Defendant's motion to strike Plaintiff's request for attorney's fees. (Doc. #3). Defendant argues that the request for attorney's fees should be stricken because Plaintiff has not set forth a statutory or contractual basis for the request. The complaint, which was removed from state court by Defendant based on diversity jurisdiction, seeks damages against Defendant pursuant to an underinsured motorist coverage provision in an insurance policy issued to Plaintiff by Defendant. Plaintiff also asks for "a statutory penalty" and attorney's fees.

Plaintiff has not responded to Defendant's motion. As Defendant correctly notes, Plaintiff has not specified any contractual or statutory basis for attorney's fees, nor has Plaintiff asserted a claim under which such fees might be recovered.

Accordingly,

¹ The parties have consented to the exercise of jurisdiction by the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

IT IS HEREBY ORDERED that Defendant's motion to strike Plaintiff's request for attorney's fees [Doc. #3] is **GRANTED**.


Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of December, 2008